



# **Erie County Fire Service Mutual Aid Plan**

**County of Erie Department of Homeland Security and  
Emergency Services**

**Division of Fire Safety**

**ADOPTED: January 2, 2003  
REVISED AND ADOPTED: October 14, 2021**

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### ATTACHMENTS:

- Organizational Chart – Erie County Division of Fire Safety
- Resolution for Participation – Signature Page
- Fire Department Census

## **SECTION 1 ~ OBJECTIVE**

### **A. Definition of Mutual Aid**

Mutual Aid is organized, supervised, coordinated, cooperative, reciprocal assistance in which personnel, equipment and physical facilities of all participating fire departments and other appropriate emergency response agencies, regardless of types or size, are utilized for fire or other emergencies in which the services of a firefighter or other appropriate first responder would be used throughout the County of Erie and adjacent areas.

This plan is not intended to change any existing mutual aid agreements or pre-plans currently in existence between any fire district, company or department in Erie County.

This Mutual Aid plan is intended to refresh and/or update agreements which have been in existence for many years. Present operations will not be affected. Local Fire Chiefs will continue to exercise all their power and authority.

### **B. Amendments**

Amendments to this plan may be made periodically and will follow this procedure:

- 1) Prepared by the Deputy Commissioner of Fire Safety through the Mutual Aid Committee of the Fire Advisory Board and representatives of the Erie County Volunteer Firefighter's Association, Erie County Fire Chiefs Mutual Aid Organization, Erie County Volunteer Fire Police Association and the Erie County Fire District Officers Association.
  - 2) Recommended by the County Fire Advisory Board.
  - 3) Submitted to all local participants for their review, comments and signature.
  - 4) Admitted into the New York State Fire Mobilization and Mutual Aid Plan by the New York State Department of State, Office of Fire Preventions and Control.
2. Notwithstanding the above, Section 3, Table of Organization – Designation of Personnel; Section 4, Line of Authority and Section 6, Operation of Erie County Fire Control Center shall be subject to change, modification or elimination at any time by Erie County.

### **C. Annual Review**

Each year this plan shall be reviewed by the Deputy Commissioner of the Fire Safety Division, the Mutual Aid Committee of the Fire Advisory Board and Amendments, Corrections or Changes Processed.

## **SECTION 2 ~ PARTICIPATION**

### Extent and Limit of Participation by Fire Departments

- A. ALL cities, towns, villages and fire districts in Erie County may fully participate in this plan.
- B. These departments or companies presently consist of:
  - City of Buffalo Fire Department
  - City of Lackawanna Fire Department
  - City of Tonawanda Fire Department
  - All Volunteer Fire Companies & Departments
  - Aircraft/Rescue/Fire Fighting Department at BNIA
  - Specialized Fire, Rescue, EMS and Hazardous Materials Teams as appropriate

#### **A. Extent and Limit of Participation with Counties of Cattaraugus, Chautauqua, Wyoming, Genesee and Niagara:**

There are no formal agreements with these counties. Local reciprocal assistance, if any, is in accordance with Section 209 of the General Municipal Law.

All requests for assistance will be routed through the Erie County Communications Center (MERS) or their respective control centers.

Mutual Aid is provided to and received from Cattaraugus, Chautauqua, Wyoming, Genesee and Niagara Counties through their respective County Fire Control Centers under the direction of their County Fire Coordinators or their legally appointed deputies.

#### **B. Erie County, Niagara Region, or Province of Ontario Cross Border Mutual Aid:**

Three distinct fire disaster situations could arise requiring the assistance of cross border fire service. A Level One incident or situation occurs when specialized equipment and/or manpower is most readily or exclusively available across the border or the municipalities' usual local mutual aid resources are fully engaged. Second Level or region-wide are defined as incidents where county-wide or region-wide fire resources are fully engaged and additional fire service assistance is needed beyond the capability of the county or region. Level Three fire disasters require an executive declaration either from a state or local executive.

1. Legal Authority to respond to international fire disasters.

New York General Municipal Law, Section 209, and Ontario Municipal Act, Chapter 302, Section 210, impose no territorial limitation on fire service response. Municipal authorities in the Niagara Region and in Erie and Niagara Counties are permitted to call for and receive aid and equipment from foreign fire company's at all three levels of fire disaster.

**C. Liability**

Any loss or damage to, or expense incurred in the operation of fire apparatus or other equipment answering a call for assistance from outside territory, and the cost of any materials used in connection with such call, including salaries and other compensation and traveling and maintenance expense of the assisting forces furnished during the time they shall be performing their duties for the assisting municipality/entity, shall be a charge upon the municipality which issued the call for assistance. This paragraph shall not apply to the case of damage or expense to fire apparatus or equipment which occurred while responding to a request for assistance or returning from the scene upon completing the assistance and while the apparatus or equipment was not involved in the emergency operation, and which was caused by:

The act or omission of a firefighter in the performance of their duties who is a member of the assisting force which suffered damage; or

The act or omission of a third party or through an instrumentality not connected with the actual emergency operation.

Any negligence of firefighters of a municipality or entity occurring in the performance of their duties in the same manner and to the same extent as if such negligence occurred in the performance of their duties within the area regularly served and protected by said unit shall be their own liability.

Any such claim for loss, damage, expense or cost shall be allowed unless within 60 days after the same shall have been sustained, a written notice of such claim, under oath, itemizing such loss, or expense is served by mail upon the fiscal officer of the municipality/entity which requested assistance.

Liability for workers' compensation for firefighters involved in a mutual aid incident remains with the firefighters' home fire company. According to standard operating procedures of individual fire companies.

**D. Entering and Participating in the Plan**

Any duly established fire company or fire department may participate in this plan by filing with the Office of the Deputy Commissioner of the Fire Safety Division, a copy of a resolution adopted by the Fire Company or department.

Such resolution shall state that such Fire Company or department elects to participate in the Erie County Mutual Aid Plan and will comply with the provisions of such plan.

The resolution shall also state that the fire company or department shall recognize a call for assistance from another fire company or department through Erie County

MERS or a Fire Control. These shall also be filed with the Deputy Commissioner of the Fire Safety Division. A copy of a resolution adopted by the legislative body of each participating city or village or by the board of fire commissioners or other governing board having jurisdiction over the fire department, the board of fire commissioners of each participating fire district, or the town board of each town in relation to participating fire companies serving territories outside of cities, villages and fire districts or in relation to a town fire department.

Such resolution shall state that no restrictions against a call for assistance outside the area regularly served and protected by the fire company or department of the municipality or district within the meaning of Section 209 (1) of the General Municipal Law (Mutual Aid), which would affect the power of such fire company or department to participate in the Erie County Fire Mutual Aid Plan except as noted in the resolution.

If the "outside services" or mutual aid activities of a participating fire company or fire department are restricted pursuant to Section 209 (10) of the General Municipal Law, notice of any such restriction shall be given promptly to the Deputy Commissioner of the Fire Safety Division.

Any such restriction imposed by the legislative body of a city, town or village or by the board of fire commissioners shall take effect in accordance with the resolution imposing the restriction.

The fact that a fire company or department becomes a member of the Erie County Fire Mutual Aid Plan will in no way give the County or State any right, other than that already in effect, to order fire companies or departments to send their apparatus to out of area locations.

If equipment and/or manpower is needed somewhere, a request will be made for voluntary assistance and the responding agency will be directed as to how and where to respond. It will not be an order. The obligation to respond rests with the responding agency.

#### **E. Withdrawal from the Plan**

Any fire company or department may elect to withdraw from this plan by adopting a resolution to such effect. Such a resolution will become effective 60 days after filing notice with the Erie County Deputy Commissioner of the Fire Safety Division. Such withdrawal shall remain in effect until reinstated by resolution as defined under Section 209 (1) of the General Municipal Law.

Withdrawal from the plan may have an adverse effect on mutual aid operations, both on the withdrawing fire company or department and on the surrounding fire companies or departments and should be seriously thought out before such action is taken.

## **SECTION 3 ~ DESIGNATION OF PERSONNEL**

### **A. Organization Chart ~ See Appendix A**

### **B. Extent and Limit of Authority of County Officials**

1. Commissioner of Department of Homeland Security and Emergency Services – shall have all the powers and shall perform all of the duties conferred or imposed upon county fire coordinators by the laws of the State of New York.
2. Deputy Commissioner of the Fire Safety Division – shall, when so directed by the Commissioner, have and exercise any and all of the powers and duties vested in and imposed upon a county fire coordinator by the laws of the State of New York; the Erie County Charter; and the Erie County job description for that position; and those duties as assigned by the Commissioner of Department of Homeland Security and Emergency Services.

These duties and responsibilities shall include, but not be limited to:

- ✓ Administers the Erie County Mutual Aid Plan and is responsible for the efficient operation of the plan for intra and inter-county purposes at fires or where the services of firefighters are used.
  - ✓ Act as a liaison officer between the fire service of Erie County and the New York State Department of State, Office of Fire Prevention and Control.
  - ✓ Act as a liaison officer between fire service and County Executive, County Legislature, other counties and agencies.
3. Assistant Coordinator of the Fire Safety Division is directly responsible to the Deputy Commissioner of the Fire Safety Division and shall, when so directed by the Commissioner of Department of Homeland Security and Emergency Services, have and exercise any and all of the powers and duties vested in and imposed upon a county deputy fire coordinator by the laws of the State of New York; the Erie County Charter; and the Erie County job description for that position; and those duties as assigned by the Commissioner and/or the Deputy Commissioner of the Fire Safety Division.

The Assistant Coordinator assumes the duties of the Deputy Commissioner as assigned or when designated as such, during extended absence, or in case of death of the Deputy Commissioner until a new one is appointed.

4. Fire Advisory Board is an unsalaried board of 25 members appointed by the Erie County Executive and confirmed by the Erie County Legislature pursuant to Section 225-A of the County Law and new Article 11-C added by Local Law #1-1986

The board meets regularly with the Commissioner of Homeland Security and Emergency Services and the Deputy Commissioner of Fire Safety to advise them, the County Executive and County Legislature on matters of firematic interest and importance to the county

1. The board assists in the development and maintenance of programs of fire training and mutual aid in case of fire or other emergencies where the services of firefighters are used.
2. Erie County Fire Advisory Board is responsible to the Deputy Commissioner of Fire Safety for all matters concerning the Erie County Fire Radio System.

## **SECTION 4 ~ STATUS OF THE LOCAL FIRE COMPANY OR DEPARTMENT**

### **A. Maintenance of Individuality**

Each fire company or department participating in this plan shall retain its internal command and individuality.

### **B. Authority of “Requesting” Fire Chief or Incident Commander**

1. A “requesting fire chief or incident commander is one who requests mutual aid for his company or department in accordance with this plan.
2. The command structure at a fire or other emergency in which the service of firefighters would be used for firefighters and officers entering the area under mutual aid remains with the chief of the fire company or incident commander of the department requesting the mutual aid.
3. The fire officer in command will utilize the incident command system in working with chiefs, senior officers and company officers of companies or departments providing the mutual aid.
2. The firefighters in the assisting company or department will be supervised by their own officers, who are in turn, commanded by officers of the company or department requesting the mutual aid.

### **C. Local Mutual Aid Plans Presently Operating Exclusive of the County Fire Mutual Aid Plan**

Mutual unwritten plans exist between the three (3) cities and the volunteer fire service and between the volunteer fire companies and departments themselves. No formalized agreements exist that are known to the County with the exception of being an agreement between the Town of West Seneca and the West Seneca State School and Development Center.

## **SECTION 5 ~ OPERATION OF ERIE COUNTY COMMUNICATIONS CENTER**

### **A. Location**

Erie County Public Safety Campus – MERS Control – Buffalo NY

Fire Training Academy, Cheektowaga NY

Mobile Operation Command

Chestnut Ridge Park, Communications Building, Orchard Park, NY

### **B. Supervision and Dispatching Service**

1. The Deputy Commissioner of Emergency Management is responsible for all activities of the County Fire Communications Repair Center.
2. Back-up dispatching service is provided from the Erie County Public Safety Campus, Buffalo NY, Fire Training Academy Cheektowaga NY, Mobile Command Units, or Chestnut Ridge Park, Orchard Park.
3. Recommended – that any person operating any fire radio in the County attends the Erie County Radio Communications course

### **C. Radio and Telephone Communications Regulations**

1. No fire radio may operate on the fire frequencies as part of the county fire network without proper programming of a radio identifier. Radio identifiers are assigned by Erie County Fire Communications Repair Center.

### **D. Radio System**

1. The Erie County Fire Radio System is comprised of the following Fire Controls:
  - Amherst Fire Control
  - Buffalo Fire
  - Cheektowaga Fire Control
  - City of Tonawanda
  - Depew Fire Control
  - East Aurora Control Fire Control
  - Evans Fire Control
  - Grand Island Fire Control
  - Hamburg Fire Control
  - Lackawanna Fire
  - Lancaster Fire Control
  - Orchard Park Fire Control
  - Springville Fire Control
  - Town of Tonawanda Fire Control
  - West Seneca Fire Control

## **SECTION 6 ~ ERIE COUNTY FIRE AGENCY RESOURCES**

### **A. The county agency resources records shall be located as follows:**

1. Fire Safety Division office
2. Fire Control Centers
3. Erie County Emergency Services Communications Center (MERS Control) at the Public Safety Campus
4. A copy of said inventory of fire apparatus shall be forwarded to the New York State Office of Fire Prevention & Control.

### **B. Officer Responsible for Maintaining Inventory**

The officer responsible for maintaining the county agency resource list is the Deputy Commissioner of Fire Safety or his designee

### **C. Method Used in Maintaining Agency Resource List**

The Fire Safety Office will request an agency resource list on an annual basis and forward completed update to all parties once complete

This Mutual Aid Agreement will be reviewed by the Deputy Commissioner of Fire Safety and the Fire Advisory Board annually

## **SECTION 7 ~ EMERGENCY OR ALTERNATE COUNTY FIRE CONTROLS**

### **A. Transfer of Control**

1. In the event that a Fire Control experiences a failure and goes off the air, operation of that Fire Control can be transferred to pre-determined dispatch center

### **B. Alternate Dispatch Options**

1. Radios in the county mobile operations center vehicle (MOC) can serve as a Fire Control back up
2. Communication with the County Fire Control Centers of Chautauqua, Cattaraugus, Wyoming, Genesee and Niagara Counties: MERS tests with them on Mutualink twice a month
3. MERS Control performs regular tests with each Fire Control on County Wide Fire
4. It is recommended that all Fire Controls provide and maintain emergency backup power systems including, but not limited to emergency generators and uninterruptible power supply (UPS) systems

**SECTION 8 ~ PARTICIPATION IN THE STATE FIRE MOBILIZATION AND MUTUAL AID PLAN**

**A. State Mobilization**

The Commissioner of Emergency Services, the Deputy Commissioner of the Fire Safety Division or a deputy in the line of authority designated pursuant to Section 401 of the County Law, after utilizing all available assistance within Erie County and all routinely activated mutual aid assistance from Cattaraugus, Chautauqua, Wyoming, Genesee and Niagara Counties, may call the New York State Department of State, Office of Fire Prevention and Control to request activation of the State Fire Mobilization and Mutual Aid Plan.

The procedure shall conform with that specified in the Guide to Fire Mobilization and Mutual Aid Plans in the State of New York issued by the New York State Department of State, Office of Fire Prevention and Control.

**B. Authority and Responsibility of the Regional Fire Administrator**

The authority and responsibility of the Regional Fire Administrator under the activated State Fire Mobilization and Mutual Aid Plan is established by the New York State Department of State, Office of Fire Prevention and Control.

In Erie County, the Deputy Commissioner of the Fire Safety Division has been designated as the Regional Fire Administrator by the State.

**C. Retirement Provision Relating to Position of Regional Fire Administrator**

Should the Deputy Commissioner of the Fire Safety Division be separated from his office for any reason, he is automatically retired as Regional Fire Administrator if he also holds his position.

The State Fire Administrator in the New York State Department of State, Office of Fire Prevention and Control, is authorized by law to appoint to this position.

**D. County Number Issued Under the State Fire Mobilization and Mutual Aid Plan**

The Erie County Deputy Commissioner of the Fire Safety shall utilize County Number 15 assigned to Erie County by the State Fire Mobilization and Mutual Aid Plan.

**ERIE COUNTY FIRE MUTUAL AID PLAN  
RESOLUTION FOR PARTICIPATION – SIGNATURE PAGE**

Resolution by Fire Company/Department or other agency listed below electing to participate in the Erie County Fire Mutual Aid Plan as adopted by the Erie County Fire Advisory Board on July 4, 2021.

Mr./Mrs./Ms. \_\_\_\_\_

Offered the following resolution and moved its adoption:

BE IT RESOLVED THAT:

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LEGAL NAME OF FIRE COMPANY/FIRE DEPARTMENT OR OTHER AGENCY

Elects to participate in the Erie County Fire Mutual Aid Plan, and agrees to recognize a call for assistance through the Erie County Fire Control Center, Area Base Station, or the Commissioner of Homeland Security and Emergency Services, Deputy Commissioner of Fire Safety or their designee; and will comply with the provisions of such plan as now in force and as amended from time to time; and that no restrictions exist against normal mutual aid assistance outside of the regular district whenever possible without jeopardizing home area fire protection.

Exceptions to this agreement are:

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Be it further resolved that a copy of this resolution be filed with the Deputy Commissioner of Fire Safety.

VOTE:	Second by:	
	In favor:	
	Opposed:	
	Abstained:	

CARRIED:	Date:	
	Officer:	
	Title:	
	Signature:	

RECEIVED AND FILED BY DEPUTY COMMISSIONER OF FIRE SAFETY: \_\_\_\_ / \_\_\_\_ / \_\_\_\_